

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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LOCAL 8A-28A WELFARE FUND and  
401(K) RETIREMENT FUND

Plaintiffs,

07 CV 4399 (SJ) (JMA)

v.

DISMISSAL ORDER

ALUMITEC, Ltd.,

Defendant.

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A P P E A R A N C E S

MADON MALIN, P.C.  
260 Madison Avenue, 17th Floor  
New York, NY 10016  
BY: Roger H. Madon  
Attorney for Plaintiffs

JOHNSON, Senior District Judge:

Review of the record in the above-referenced action demonstrates that Plaintiffs have failed to prosecute the litigation. The action is therefore dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

The Clerk of Court is directed to close this case.

SO ORDERED.

DATED: May 13, 2009  
Brooklyn, New York

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Sterling Johnson, Jr, U.S.D.J.